

SUMMARY OF ADMINISTRATIVE MEETING
May 16, 2012 - 3:00 p.m. – 5:00 p.m.
Helena Civic Center Lobby

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Ellison, Elsaesser, Haque-Hausrath and Thweatt were present. Staff present was: City Manager Ron Alles; City Attorney Jeff Hindoien; Deputy City Attorney Thomas Jodoin; Community Development Director Sharon Haugen; Public Works Director John Rundquist; Utility Maintenance Superintendent Kevin Hart; Police Chief Troy McGee; Human Resources Director Rae Lynn Nielsen; Fire Chief Feucht; Parks and Recreation Director Amy Teegarden and City Clerk Debbie Havens.

2. **May 2, 2012 Administrative Meeting Summary** – The May 2, 2012 administrative summary was approved as submitted.

3. **Commission comments, questions –**

Commissioner Elsaesser reported he and Commissioner Haque-Hausrath spoke at the bike to work event today.

Commissioner Thweatt reported he had a conversation with Sunny Stiger, fire expert, who is very concerned with the upcoming fire season. He then complimented Brad Langsather on what the city has done to clean up our open lands. Commissioner Thweatt asked if there is anything the city could do to require private property to clean their properties, specifically on the south side of the city. City Manager Alles stated the nuisance weed ordinance being proposed will address some of this.

Commissioner Haque-Hausrath asked if the commission priorities have been tallied. City Manager Alles stated he hopes to have it finished by the end of this week and out to the commission.

Mayor Smith stated he attended the Law Enforcement activities and the public meeting on the intersection of Neill, Helena and Last Chance Gulch at the Civic Center; he then thanked Community Facilities Director Carpenter for the care given to the Civic Center.

Upcoming Appointments – Mayor Smith recommended the following appointment:

Tourism Business Improvement District – Appointment of Crystal Thorpe to the TBID. Term will begin upon appointment and expire April 20, 2016.

U.S. Army Corps of Engineers letter regarding coal trains – Commissioner Thweatt stated the original intent was simple; a suggestion from a citizen was for the commission to submit a letter to the Army Corps of Engineers. He gave an overview of the possible impacts additional coal trains would have on the noise, pollution and traffic flows in Helena. Commissioner Thweatt stated he believes it is in the city's best interest to send the letter. Commissioner Haque-Hausrath concurred with Commissioner Thweatt's comments.

Commissioner Elsaesser commented due to the public interest in this letter, the commission concurred to put this letter on an administrative meeting agenda for further discussion.

Commissioner Ellison noted he had some concerns with the original letter and believes an EIS will be required for the port sites. Commissioner Ellison stated he continues to have concerns with some of the content. He offered to work with Commissioners Haque-Hausrath and Thweatt on a final draft.

Mayor Smith stated when the commission began discussing writing this letter; he thought the best approach would be to ask the railroad for some financial assistance to mitigate some of the impacts. He noted he would be comfortable approaching the railroad prior to sending the letter. He then asked for the estimated number of increased trains that would go through Helena and how that number was determined. Commissioner Haque-Hausrath stated she believes the number was calculated by a professor with the University of Montana. She suggested that the representatives from MRL give an estimate of how many additional trains are anticipated to travel through Helena.

Mayor Smith recognized there were a number of people who would like to address the commission regarding this letter. He then asked for public comment. Listed below are the names of those who addressed the commission both in support and opposition.

Jonathan Matthews – Spoke in support of sending the letter to the U.S. Army Corps of Engineers.

Tom Walsh, President of Montana Rail Link – Spoke in opposition to sending the letter. He asked the commission to delay sending the letter until all the information is available.

Joan Bishop – Helena Area of League of Women’s Voters – Strongly supports sending the letter.
Rich Curtis, MRL Locomotive Engineer – Spoke in opposition to sending the letter.
Kate French, Spoke in support of sending letter.
Mary Ann Mackey, Northern Plains Resource Council – Spoke in support of sending the letter.
Todd O’Hara – Cloud Peak Energy – Spoke in opposition to sending the letter.
Eric Regensburger – Spoke on the development of a quiet zone and in support of sending the letter.
Leo Berry – Attorney for Great Northern Properties – stated he is representing himself and spoke in opposition to sending the letter.
Charyn Ayoub – Spoke in support of the letter.
Shiloh Hernandez – Spoke in support of the letter.
Mickey Cozzie – Austin Road – Spoke on the noise the coal trains create.
Brian Miller – Spoke in support of the letter.
Jenny Eck – Spoke in support of the letter.

Commission Discussion – Commissioner Haque-Hausrath stated she does not believe this letter will impact jobs. The city of Helena’s primary job source is governmental jobs; if the state or city has to pay for improvements then there is an impact on the economy. This is a complicated issue and she continues to support sending the letter.

Mayor Smith asked if the U. S. Army Corps of Engineers is required to do the PEIS or is it discretionary on their part. City Attorney Jeff Hindoien stated he could not give an answer without further research. He did state with any level of regulations the Corps of Engineers would be involved.

Commissioner Thweatt gave his professional background and noted he has been involved on both sides of these types of issues. He gave a general overview of NEPA; there has always been a rule when an agency must do a programmatic environmental impact statement. Commissioner Thweatt believes a PEIS should be completed and the cumulative impacts it has on the communities where the trains would pass. The Army Corp of Engineers will review the PEIS and determine the impacts. Mayor Smith again asked if there is a trigger point that would require a PEIS and if it is not met, then it would not be required. Commissioner Thweatt concurred.

Commissioner Haque-Hausrath suggested changing the sentence in the letter by taking out an exact number of trains and add “may significantly increase”. Mayor Smith commented he heard both proponents and opponents of the letter ask the commission to inform themselves on this issue.

Commissioner Ellison stated based on what he heard today, he is not ready to send the letter until further information is obtained. He noted if the Governor of Oregon has weighed in, he believes that would be significant. Commissioner Ellison then addressed the comments regarding the coal and railroad representatives trying to deny the commission information and he does not agree with those comments. Mayor Smith asked staff to obtain a copy of the letter sent by Oregon’s Governor John Kitzhaber. In addition, he asked staff to find out what would trigger a PEIS.

Commissioner Haque-Hausrath stated even though it may not be legally required, they are not doing it and the first comment period on one of the ports has already closed. Further discussion was held on what would trigger the PEIS. Commissioner Thweatt suggested not requesting a PEIS; but to look at the cumulative impacts of the proposal.

Mayor Smith asked for clarification on Mr. Walsh’s comment if the PEIS is required, it would take decades to resolve. Mr. Walsh noted if the PEIS is required, it could slow the project down significantly, he could not give an exact number of years. If everything is a go today, it would be at least seven years.

Commissioner Elsaesser stated he appreciates the clarification received today. He has concerns with the number of people who contacted him regarding the coal dust and noted if it was an issue the commission would go to the Board of Health. The commission has committed to look at a quiet zone and will pursue that.

Commissioner Haque-Hausrath noted there is no coal dust reference in the letter. She would like some version of the letter sent and if not, she would send a letter as an individual commissioner.

Mayor Smith stated he has concerns and is not ready to sign onto the letter at this time. He does have some concerns with the commission going outside the realm of city business. His primary interest was getting some financial assistance for improvements.

Commissioner Elsaesser noted he does not know what the trigger point is and would like to know before committing to sign the letter. He was not ready to commit to final language at this meeting.

Commissioner Ellison stated he too is not ready to sign a letter; it goes beyond the city's role and he wants to stay focused on local services. He believes this letter would go beyond the city's charter when you are sending a letter to the U.S. Army Corps of Engineers regarding ports in Washington and Oregon.

Commissioner Thweatt asked if two commissioners want to send the letter it should indicate they are speaking on behalf of themselves. Mayor Smith concurred if there is not three commission members in support of sending a letter, Commissioners Haque-Hausrath and Thweatt could sign as individual commission members.

4. City Manager's Report – City Manager Alles had no items to report on.

5. Department Discussions

Public Works

Residential Service Line Assistance Program – City Manager Alles reviewed the memo from Public Works Director Rundquist and Utility Maintenance Superintendent Kevin Hart; which covered the following items:

- Background
- Lack of Private Insurance Coverage
- Current Process
- Policy Options
- Proposed Timeline for Program

Manager Alles stated he believes this proposal is worth pursuing and a final program could be defined as it is used. He would like to look at this program when establishing water and sewer rates in the fall. Public Works Director Rundquist noted most service line breaks more often than not occur in older houses, with lower income residents. This program would be able to assist those who need the help.

Utilities Maintenance Superintendent Kevin Hart noted there are a number of ways to implement the program; the substantive issues are how far the city wants to go; how big of assistance program should be set up as that will have an impact on the rates. Superintendent Hart reviewed several options for setting up an assistance program.

Commissioner Haque-Hausrath concurred with staff that the city does not want to take ownership of the service lines. She then asked what the cost per household would be. Superintendent Hart noted the cost is subject to discussion. The cost of the average service line repair is \$8,500 and if the rate was set to accommodate a certain number per year, the rate would be calculated on that assumption. The estimated rate to begin the program would be approximately \$2.50 per month, per household for both water and wastewater service lines for a total of \$5.00 per month.

Commissioner Ellison referred to Table Three – conceptual range of fees and revenue generated for the initial program level. He then asked if the city did not repair the estimated lines, would the revenue from this assessment be placed in a revolving fund and reserved for capital improvements for future needs. City Manager Alles noted there are a number of ways the fund could be set up; his recommendation would be to set up a separate account and keep the revenues reserved for this specific program. Commissioner Ellison stated it sounds like a good program.

Commissioner Elsaesser asked for clarification on the proposal for street openings being up to the private property and not up to the house. Manager Alles stated is staff's recommendation to keep it in the city's right of way, not at the entry into the house

Mayor Smith stated he is really excited about the proposal and he could see this program being set up the same as the sidewalk program.

There was commission concurrence to move forward in developing some type of program.

6. Committee discussions

- a) ADA Compliance Committee, Audit Committee, Board of Health, Civic Center Board, Montana League of Cities and Towns – No report given
- b) IT&S, Non-Motorized Travel Advisory Committee, Board of Adjustment, Pre-Release Screening Committee – No report given.

- c) Audit Committee, City-County Weed Board, Montana Business Assistance Connection (MBAC), TCC – No report given
- d) BID/HPC, City-County Parks Board, TCC, L&C County Mental Health Advisory Committee – No report given.
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee, Intergovernmental Transit Committee – No report given.
- f. Helena Citizens Council – No report given.

- 7. Review of agenda for May 21, 2012 City Commission meeting – No discussion held.**
- 8. Public Comment – None given.**
- 9. Commission discussion and direction to City Manager – No discussion held.**
- 10. Adjourn – Meeting adjourned at 5:00 p.m.**